

RAYNER
Appl. No. 10/571,062
June 30, 2009

AMENDMENTS TO THE DRAWINGS

Replacement sheets showing descriptive labels are attached hereto. In addition, a set of Figures marked in red ink to show the changes made on the replacement sheet is also attached hereto.

Attachment: Replacement Sheet(s)
Annotated Sheets Showing Changes

REMARKS/ARGUMENTS

Claims 1-21 stand in the present application, claims 1 and 17-21 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to the drawings as requiring descriptive labels. As noted above, Applicants have submitted replacement sheets including descriptive labels in the Figures. A second set of drawing marked in red ink is also attached to show the changes made to the original drawings. Applicant respectfully requests acceptance of the replacement sheets of drawings.

The Examiner has objected to claims 1, 8 and 21 for a number of informalities. As noted above, Applicant has amended claims 1 and 21 to correct the deficiency pointed out by the Examiner and claim 8 has been tagged in this Amendment as having been "Previously Presented," in that it was previously amended, but not currently amended in the Amendment. Accordingly, the Examiner's objections to the claims is believed to have been overcome.

The Examiner has also rejected claims 14-20 under 35 U.S.C. § 112, second paragraph, as being indefinite and has rejected the same claims under 35 U.S.C. § 101 as being directed to non-statutory subject matter. As noted above, Applicant has amended claims 17-20 to be consistent with claims 14-16 thereby obviating the Examiner's § 112, second paragraph, and § 101 rejections of the claims.

The Examiner has also rejected claims 1-12, 14, 17, 18 and 21 under 35 U.S.C. § 102(b) as being anticipated by Omuro et al. ("Omuro") and has rejected claims 13, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Omuro, and has rejected

claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Omuro in view of Ishioka. Applicant respectfully traverses the Examiner's §§ 102 and 103 rejections of the claims.

The Examiner alleges that independent claims 1, 14, and 21 are anticipated by Omuro which "[monitors] the difference between the transit time of a first signal path and the transit time of a second signal path such that a change in the difference between the transit times of the two paths can be detected" as required by the present claims. See, Office Action at page 4, citing Omuro at Fig. 7; col. 7, lines 55+. Applicant respectfully disagrees in that Omuro does not teach or suggest the actual claim limitation. The Examiner has failed to appreciate that the present independent claims require "monitoring the difference between the transit time of a first signal and a second signal path such that a change in the difference between the transit times of the two paths is detected."

To meet the claim limitation, multiple (i.e., at least two) data points for each signal path must be obtained so that a change in the difference between the transit times of the two paths is ascertained. In other words, it is not enough to simply compute a single difference in transit time between the first path and the second path, as taught by Omuro, since the present claims require monitoring the change in the difference between the transit times of the two paths. More particularly, Omuro, discloses a system in which the difference in transmit times between two paths are measured just once to determine a guard band offset when traffic is switched from a re-routing path to an original path. See, Omuro at col. 7, lines 55-63. The traffic would originally have been diverted to the re-routing path in response to a fault in the original

path, and is switched back to the original path when this is restored, that is, when a repair state is detected. Thus, Omuro cannot possibly disclose detecting a change in the difference between the transit times of the two paths, since in Omuro, only a single measurement of the difference is made, whereas to detect a change – as required by the present claims – at least two such differences would need to be determined.

Moreover, there would be no reason to obtain a second measurement of the difference in transmit times in the Omuro system, because there, the difference value in itself is what is required to obtain the guard band value. Nothing in Omuro teaches or even suggests that monitoring changes in guard band values would serve to be useful or desirable. Furthermore, as noted above, the present claims require that the difference is monitored, which clearly requires that the difference is to be evaluated more than just once.

Accordingly, independent claims 1, 14, and 21, and their respective dependent claims, patentably define over Omuro. In addition, it should be clear that Ishioka does not solve the deficiency of Omuro discussed above. Accordingly, the present claims patentably define over the cited art taken singly or in combination.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-21, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

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Fig. 1.



